The opinion in support of the decision being entered today was **not** written for publication and is **not** precedent of the Board.

Paper No. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte KRISHNA G. SACHDEV, UMAR M. AHMAD,
FAREED Y. AUDI, DANIEL G. BERGER,
JOHN U. KNICKERBOCKER, and CHON C. LEI

_____

Appeal No. 2003-0955
Application No. 09/406,645

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ON BRIEF

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Before KIMLIN, PAWLIKOWSKI and MOORE, **Administrative Patent Judges**.

PAWLIKOWSKI, **Administrative Patent Judge**.

REQUEST FOR REHEARING

Pursuant to the provisions 37 CFR § 1.197(b) (amended December 1, 1997), appellants have submitted a Request for Rehearing (hereafter "Request") of our decision dated May 29, 2003, reversing the 35 U.S.C. § 112, first paragraph rejection, but affirming the 35 U.S.C. § 103 rejection of claims 1-3 and 5-7.

In the Request, appellants argue that a prima facie case of obviousness has not been established. Appellants state that, as disclosed on page 6 and page 13 of the Brief, Sato teaches a stripping composition containing TMAH and glycol ether. Appellants argue that a cured silicone resin to be removed by the stripping composition is not disclosed in Sato, and the disclosed remover solution requires a component A, which is an alcoholic solvent, and a component B, which is an organic solvent. Appellants state that there is one disclosure of an alcoholic solvent being dipropylene glycol monomethyl ether, but out of a total of 57 working examples, none contain an ether component. Appellants also argue that their composition does not contain an organic solvent B.

As discussed on page 6 of our decision, we stated that the examiner indicated that Sato sets forth a composition comprising tetramethyl ammonium hydroxide (TMAH), dipropylene glycol monomethyl ether, but no surfactant. Whether or not the examples exemplify the disclosed dipropylene glycol monomethyl ether is not the issue because a reference is not limited to the specific working examples. In re Chapman, 357 F.2d 418, 424, 148 USPQ 711, 716 (CCPA 1966). A reference is available for all that it fairly discloses and suggests. In re Widmer, 353 F.2d 752, 757, 147 USPQ 518, 523 (CCPA 1965). Hence, Sato teaches a dipropylene glycol monomethyl ether in the composition.

With regard to the assertion that appellants' composition does not require an organic solvent B as disclosed in Sato, we refer to our position made at the top of page 6 of the decision wherein we stated that column 3 of Sato discloses other classes of solvents can be used other than hazardous solvents.

Finally, as explained by the examiner on page 5 of the answer, Sato teaches a method of removing cured resins from a

substrate using TMAH and glycol ethers in column 2, at lines 52-60 of Sato.

Regarding Roscoe, appellants assert that Roscoe does not cure the deficiencies of Sato. Appellants state that Roscoe does not disclose di- or tri-propylene glycol alkyl ethers. Appellants state that the Roscoe composition must contain a monohydroxy alcohol, an amine, an aqueous ammonium hydroxide, and a detergent. Appellants also state that Roscoe's composition requires an amine and monohydroxy alcohol to be used in the cleaning concentrate.

As stated on page 6 of our decision, the examiner relied upon Roscoe for teaching the use of surface active agents to enhance the cleaning properties of a composition that includes glycol ether. The examiner determined, and we agree, that Roscoe's teachings would have suggested to one of ordinary skill in the art to use a surface active agent to enhance cleaning properties of the composition of Sato. See column 3, lines 9-35 of Roscoe. We note that the prior art can be modified or combined to reject claims as prima facie obvious as long as one of ordinary skill in the art would have had a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 1097, 231 USPQ 375, 379 (Fed. Cir. 1986). Here, appellants' arguments do not convince us that one of ordinary skill in the art would not have had a reasonable expectation of success of achieving the benefits of enhanced cleaning properties by adding the surfactant of Roscoe to the composition of Sato.

In view of the above, we do not find in the Request any argument convincing us of error in the conclusion we reached in our decision.

Accordingly, appellants' Request for Rehearing is denied.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

DENIED

EDWARD C. KIMLIN Administrative Patent Judge	)
BEVERLY A. PAWLIKOWSKI Administrative Patent Judge	) BOARD OF PATENT APPEALS AND INTERFERENCES
JAMES T. MOORE Administrative Patent Judge	)

BAP/sld

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